IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No.13387 of 1999

Between:

U.Jayaraju, S/o.Raghavulu,
R/o Untukuru, Gampalagudem Mandal,
Krishna District.

..... PETITIONER

AND

1 A.P.State Road Transport Corporation, Rep. by its Managing Director, Mushirabad, Hyderabad-20.
2 A.P.State Road Transport Corporation, Rep. by its Depot Manager, Tiruvuru, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or Direction, particularly one in the nature of Writ of Mandamus, declaring that the put off duty orders in proceedings No.E2/255(22)/98-TVR, dated 26-11-1998 and consequent order in proceedings No.E2/255(22)/98-TVR, dated 9-4-1999 issued by the 2nd respondent in proposing to remove the petitioner from service is arbitrary, illegal, unjust, contrary to law, contrary to Regulations of the Respondent Corporation, in violation of principles of natural justice, without jurisdiction and also in violation of Articles 14 and 21 of the Constitution of India; and consequently the petitioner is entitled for all consequential relief/service benefits, and pass such other order or orders as deemed fit and proper under the circumstances of the case.

Counsel for the Petitioner: Mr. P.SRIDHAR RAO

Counsel for the Respondents: Ms. P. RAJANI REDDY

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the 2nd respondent in issuing the Proceedings dated 9-4-1999 proposing to remove the petitioner from service and the consequential Proceedings dated 14/22-6-1999 of the 2nd respondent in imposing the punishment of removal from service, as arbitrary and illegal and consequently to direct the respondents to reinstate the petitioner into service with all consequential benefits.

It is the case of the petitioner that he was appointed as a Conductor in the respondent-Corporation with effect from 6-4-1998 on being selected by a properly constituted selection committee. He had put in good record of service. However, he was kept on put off duty with effect from 26-11-1998. He was issued with a charge sheet dated 26-11-1998 alleging that he had submitted a non-genuine SSC Certificate No.B.150804, dated 10-6-1985 at the time of his recruitment to the post of Conductor during the year 1997-98, which constitutes a misconduct under Regulation 28 of the APSRTC Employees (Conduct) Regulations,1963. He submitted explanation on 8-12-1998 denying the allegations made against him and explaining the facts. According to the petitioner, the explanation submitted by him was not properly considered and an enquiry was ordered into the matter. The Enquiry Officer also caused a farce of enquiry and on the basis of the report of the Enquiry Officer, his services were dispensed with by way of removing him from service through the Proceedings dated 14/22-6-1999 of the 2nd respondent. Hence, this Writ Petition.

A detailed counter affidavit has been filed on behalf of the respondents denying the allegations made by the petitioner. It is *inter alia* asserted that the SSC certificate submitted by the petitioner at the time of his appointment was sent for verification as to its genuineness. The SSC Board has informed through letter dated 16-11-1998 that the petitioner has tampered the marks in five subjects and also the Division in the original SSC certificate. Thereafter, a detailed enquiry was conducted by giving

reasonable opportunity to the petitioner to defend his case and ultimately the Order dated 14-6-1999 was passed removing him from service.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the entire material made available on record.

At the outset, I am of the opinion that the respondents have not committed any error in passing the impugned Orders calling for interference of this Court under Article 226 of the Constitution of India. Admittedly, the petitioner has submitted a non-genuine certificate No.B:150804 manipulating the marks obtained by him only to suit his convenience. In the respondent-Corporation, the selection to the post of a Conductor is based purely on the marks obtained by the candidate in the SSC examination. Therefore, the petitioner to gain employment into the Corporation has submitted a fake SSC pass certificate showing the inflated marks. An enquiry was conducted on the basis of a verification report received from the proper authority i.e. SSC Board. Thereafter, the petitioner was removed from service. Initially, the petitioner challenged put-off duty order dated 26-11-1998 and also the show cause notice dated 9-4-1999 proposing to remove him from service. Thereafter, on passing of the final order dated 14-6-1999 removing him from service, WPMP No.1805 of 2000 was filed seeking to amend the prayer, which was allowed on 14-3-2000.

There is no plausible explanation submitted by the petitioner as to why he has submitted a fake SSC marks memo by tampering the marks obtained in the original certificate. On enquiries, it was revealed that the same was a non-genuine one. Therefore, the enquiries conducted by the respondents and also removing the petitioner from service of the Corporation is, in fact, in terms of the appointment order issued to him. However, the respondents have conducted an enquiry and looked into the circumstances of the case and removed the petitioner from service. Such an order does not deserve to be interfered with under Article 226 of the Constitution of India. The Writ Petition is devoid of merits and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

26-7-2005

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Managing Director, A.P.State Road Transport Corporation,
Mushirabad, Hyderabad-20.
2 The Depot Manager, A.P.State Road Transport Corporation,
Tiruvuru, Khammam District.

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